

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, July 1, 2008

Division One

A118314 – The People, v. Bruce Alan Robinson.

Accordingly, the judgment is affirmed. Swager, J., We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication.)

A118080 – The People, v. Gary Johnson.

The judgment and sentence are affirmed. Swager, J., We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A121499 – In re T. M. et al., Persons Coming Under the Juvenile Court Law. Jennifer K., v. The Superior Court of The State of California County of Contra Costa, Contra Costa County Children and Family Services Bureau.

The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal. 4th 888; § 366.26, subd. (l)(1) [precluding further challenge to these orders by petitioner in any subsequent appeal].) The temporary stay previously imposed is lifted. Our decision is final as to this court immediately. (Cal. Rules of Court, rule 8.264(b)(3).) Lambden, J., We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Four

A117320 - Allison Keith Hilton et al., v. Arizona Public Service Company.

The judgment is reversed. Rivera, J., We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

A118684 – Baychester Shopping Center, INC., et al., v. San Francisco Residential Rent Stabilization and Arbitration Board of The City and County of San Francisco, Larry Fingerhut.

By The Court: The requests for publication of this court's opinion filed June 3, 2008, are granted, and it is hereby ordered that said opinion be published in the Official Reports of the State of California. Ruvolo, P.J. (Certified for Publication.)

Tuesday, July 1, 2008(Continued)

Division Five

A119623 – Charmayne Smith, v. Chloe Hilliard.

The order is affirmed. Needham, J., We Concur: Jones, P.J., Reardon, J.* (Not for Publication.)

A119624 – Charmayne Smith, v. Patricia Hilliard.

The order is affirmed. Needham, J., We Concur: Jones, P.J., Reardon, J.* (Not for Publication.)

* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION TWO

Tuesday, July 1, 2008

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kline, P.J., Haerle, J., Richman, J., Officer Smith and S. Wheeler, Deputy Clerk.

A117017 The People,
 v.
 Jared Overton.
Cause called and argued by Walter K. Pyle, counsel for appellant, and Deputy Attorney General, Catherine Rivlin, counsel for respondent. Cause ordered submitted.

A116246 Larry Swanson,
 v.
 Handelin Inc.
Cause called and argued by John E. Sharp, counsel for appellant, and Elisabeth Frater, counsel for respondent. Cause ordered submitted.

At this point of the proceedings, Justice Richman left the bench and Justice Lambden joined the bench for the remainder of the calendar.

A118912 Estate of Laura Lane, Deceased.
 Thomas Paige et al.,
 v.
 Cynthia Lane.
Cause called and argued by Nancy Elizabeth Lofdahl, counsel for appellants, and Peter L. Balogh, counsel for respondent. Cause ordered submitted.

A117113 Maria Gonzalez-Malik,
 v.
 San Francisco Trial Courts.
Cause called and argued by Craig K. Martin, counsel for appellant, and Greg James Richardson, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION TWO

Tuesday, July 1, 2008

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kline, P.J., Lambden, J., Richman, J., Officer Oliver and S. Wheeler, Deputy Clerk.

- A118629 Mary Wang,
 v.
 Arch Cunningham.
Cause called and argued by appellant Arch Cunningham, in propria persona. Maria Schoop, counsel for respondent, appeared, but did not argue. Cause ordered submitted.
- A115041 Estate of Jessie Annie Bell McGee, Deceased.
 Raoul Jerome Robinson,
 v.
 Shar'ron Wilkins, et al.
Cause called, and Charla Duke, counsel for appellants, appeared before the court. Cause continued to the August calendar. No continuances will be granted.
- A117310 James E Davis,
 v.
 California Culinary Academy.
Cause called and argued by Karen Yoko Uchiyama, counsel for appellant, and Robert Milligan, counsel for respondent. Cause ordered submitted.
- At this point of the proceedings, Presiding Justice Kline left the bench and Acting Presiding Justice Haerle joined the bench for the remainder of the calendar.
- A118253 The People,
 v.
 Don Everett Allen, Jr.
Cause called and argued by Robert Stevens Condie, counsel for appellant, and Deputy Attorney General, Linda Murphy, counsel for respondent. Cause ordered submitted.
- A118408 Paul D Stutrud et al.
 v.
 City of Rohnert Park.
Cause called and argued by Eric Jon Benink, counsel for appellants, and Michelle Kenyon, counsel for respondent. Cause ordered submitted.

A118967

In re the Marriage of Vivian S Dunlap and Brian C Dunlap.
Vivian S Dunlap,

v.

Brian C Dunlap.

Cause called and argued by William R. Warhurst, counsel for appellant, and via teleconference, Rory Allan Hanson, counsel for respondent. Cause ordered submitted.

Court Adjourned.

Wednesday, July 2, 2008

Division Five

A115291 – The People, v. Anthony Sorrell.

The judgment is affirmed. Needham, J., We Concur: Jones, P.J., Simons, J. (Not for Publication.)

Thursday, July 03, 2008

Division Two

A119939 – In re Sammy W., a Person Coming Under the Juvenile Court Law. Del Norte County Department of Health and Human Services, v. Samuel W.

The order is affirmed. Richman, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

A116765 – The People v. Shawn D. Aguirre.

By The Court: It is ordered that the nonpublished opinion filed June 17, 2008, be modified as follows: (See Order.)

There is no change in the judgment.

Appellant's petition for rehearing is denied. Kline, P.J. (Not for Publication.)

Division Three

A114510, A114981 – Francisca Amaral et al., City of Hayward, v. Cintas Corporation No. 2 et al.

By The Court: The petition for rehearing is denied. McGuiness, P.J.

A113337 – The Housing Group, v. Great America Insurance Company.

By The Court: The petition for rehearing is denied. Mc Guinness, P.J.

Monday, July 7, 2008

Division Two

Monday, July 7, 2008(Continued)

A117664 – In re the Marriage of Patrick MacIntyre and Fiona MacIntyre. Patrick MacIntyre, v. Fiona MacIntyre.

The order is affirmed. Kline, P.J., We Concur: Haerle, J., Lambden, J. (Not for Publication.)

Division Four

A120553 – In re Clayton O., a Person Coming Under the Juvenile Court Law. The People, v. Clayton O.

Judgment affirmed. Reardon, J., We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

Division Five

A119288 – In re M.C., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency, v. Maurice C.

The order is affirmed. Simons, J., We Concur: Jones, P.J., Needham, J. (Not for Publication.)

Tuesday, July 08, 2008

Division One

A117520 – 706 Sansome Properties et al., v. Massimo Fuchs.

By The Court: The petition for rehearing is denied. Marchiano, P.J.

A116298 – Robert D. Foster et al., v. Kate Warner et al.

By The Court: The petition for rehearing is denied. Marchiano, P.J.

Division Two

A118833 – Adebowale O. Osijo, v. Housing Resources Management, INC., et al.

The order denying appellant's motion to set aside the judgment is affirmed. Kline, P.J., We Concur: Haerle, J., Richman, J. (Not for Publication.)

Tuesday, July 08, 2008(Continued)

A117161 – The People, v. Jorge Alberto Ek-Luna.

The judgment is affirmed. Kline, P.J., We Concur: Haerle, J., Richman, J. (Not for Publication.)

Division Three

A119946 – The People, v. David Charles Butler.

The judgment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

Wednesday, July 09, 2008

Division Two

A118967 – In re the Marriage of Vivian S. and Brian C. Dunlap. Vivian S. Dunlap, v. Brian C. Dunlap.

The judgment of the superior court is reversed with regard to the following: the valuation of the 18th Street properties, the finding of no reimbursement for Brian's real estate payments, the award of the ring to Vivian, the amount of spousal support, and the amount of child support. We remand for proceedings consistent with this decision. Additionally, on remand, the superior court is to address any credit to Brian for any of his postseparation payments of credit card debt, a student loan, home insurance, property taxes, expenses to cure a default, and PG&E expenses. The court is also to allocate or divide between the parties the debt owed to Pacific Affiliates. The judgment is affirmed in all other respects. Brian is awarded the costs of appeal. Lambden, J., We Concur: Haerle, Acting P.J., Richman, J. (Not for Publication.)

Division Two

A118253 – The People, v. Don Everett Allen.

The judgment is reversed. Lambden, J., We Concur: Haerle, Acting P.J., Richman, J. (Not for Publication.)

Division Five

A114436 – Maria Harrison, v. Phyllis H. Smith.

Wednesday, July 09, 2008(Continued)

On the record before us, we find no error in the trial court's refusal to allow appellant to present evidence of the delta v method. The judgment is affirmed. Harrison shall receive her costs on appeal. Reardon, J.* We Concur: Jones, P.J., Simons, J. (Not for Publication.)

A116385 – The People, v. George Teal Powell.

The judgment is affirmed. Jones, P.J., We Concur: Simons, J., Needham, J. (Not for Publication.)

* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, July 9, 2008

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: McGuiness, P.J., Pollak, J., and Jenkins, J.; and B. Robbins, Deputy Clerk.

A120112 Kelly Hames,
v.
Citi Properties.
Cause called and argued by Drexel A. Bradshaw, counsel for appellant, and Jeffrey V. Ta, counsel for respondent. Cause ordered submitted.

At this point, Jenkins, J. left the bench and Siggins, J. joined the bench.

A119214 Kenneth Massa,
v.
Allen J. Ruskin.
Cause called and argued by Adamont N. Georgeson, counsel for appellant, and Mark R. Gibson, counsel for respondent. Cause ordered submitted

A117960 Alexandra Skoumbas, et al.,
v.
City of Orinda.
Cause called and argued by Nick T. Reckas, counsel for appellant, and Gary M. Lepper, counsel for respondent. Cause argued and submitted.

A116362 Center for Biological Diversity, et al.,
v.
FPL Group, et al.
Cause called and argued by Richard R. Wiebe, counsel for appellants, and George Caplan, counsel for respondents GREP et al., and William S. Berland, counsel for respondents FPL Group, et al. Jay R. Houghton appeared for respondents Pacific Winds, et al., but did not argue. Cause ordered submitted.

COURT ADJOURNED

Thursday, July 10, 2008

Division Three

A118443 – Penelope Williams, v. Contra Costa Community College District et al.

By The Court: The petition for rehearing is denied. McGuiness, P.J

A116349 – In re H.M., a Person Coming Under the Juvenile Court Law. Contra Costa County Children & Family Services Bureau, v. Ray M.

By The Court: The petition for rehearing is denied. Pollak, J. Acting P.J.

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Thursday, July 10, 2008

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, Presiding Justice, Swager, Justice, Margulies, Justice, Fred Abad, Deputy Clerk; and CHP Officer Mindy LaPonte, Bailiff.

- A119515 People,
v.
Manuel Vincent Sotelo.
Cause called and argued by Jonathan Berger, counsel for appellant, and Jeremy Seymour, certified law student, counsel for respondent. Cause ordered submitted.
- A119232 Helen Respini,
v.
RMG Electric, Inc.
Cause called and argued by Basil Plastiras, counsel for appellant, and Donald McMillan, counsel for respondent. Cause ordered submitted.
- A116929 Zahra Hodayun, et al.,
A117835 v.
Portobell Residential, et al.
Cause called and argued by George Holland, counsel for appellants, Michael Johnson, counsel for respondents Portobell Residential, et al., and Richard Meier, counsel for respondent Jay Adams. Cause ordered submitted.

Court recessed until 1:30 PM.

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Thursday, July 10, 2008

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, Presiding Justice, Stein, Justice, Swager, Justice, Fred Abad, Deputy Clerk; and CHP Officer Christian Oliver, Bailiff.

- A116277 Ventas Finance I,
A117751 v.
 Franchise Tax Board.
Cause called and argued by Marguerite Stricklin, counsel for appellant, and Amy Silverstein, counsel for respondent. Cause ordered submitted.
- A117979 Christine Beck, et al.,
 v.
 Huber Hunt & Nichols.
Cause called and argued by Gloria Amell, counsel for appellant, and Matthew Kleiner, counsel for respondent. Cause ordered submitted.
- A118823 Carol Grenall, et al.,
 v.
 United of Omaha Life Insurance.
Cause called and argued by Edward Thomson, counsel for appellant, and Shelly Kramer, counsel for respondent. Cause ordered submitted.
- A116728 Brian L. Koponen,
 v.
 Pacific Gas & Electric Company.
Cause called and argued by Pamela Parker, counsel for appellant, and Nhan Vu, counsel for respondent. Cause ordered submitted.

Court adjourned until Friday, July 11, 2008 at 9:00 AM.

Friday, July 11, 2008

Division Two

A115773 – The People, v. Rasheed Jamal.

By The Court: It is ordered that the opinion filed herein on June 24, 2008, be modified as follows: The parenthetical phrase “(he filed no reply brief)” is deleted from footnote 2 on page 1. This modification does not effect a change in the judgment. The petition for rehearing is denied. Haerle, J. (Not for Publication.)

Division Three

A119492 – The People, v. Ronald Kenneth Craig.

The judgment is affirmed. Pollak, J., We Concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

Division Four

A117816 – Silicon Valley Community Foundation, v. Connie Beltran.

The judgment is affirmed. Rivera, J., We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Friday, July 11, 2008

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, Presiding Justice, Margulies, Justice, Needham, Justice, Raquel Arellano, Deputy Clerk; and CHP Officer Tammy Smith, Bailiff.

- A117111 Gaetano Zanelli,
v.
Thomas McGrath.
Cause called and argued by Paul F. Utrecht, counsel for appellant, and Andrew Wiegeo, counsel for respondent. Cause ordered submitted.
- A116712 At this time, Justice Needham left the bench and Justice Stein joined the bench.
Golden Gate Water Ski Club,
v.
County of Contra Costa, et al.
Cause called and argued by Timothy Kassouni and Angela Thompson, counsel for appellant, and Thomas Geiger, counsel for respondent. Cause ordered submitted.
- A117205 Sony Electronics Inc., et al.,
v.
Pinole Point Properties.
Cause called and argued by Nancy Johnson, counsel for appellants, and Shana Margolis Goldberg, counsel for respondent. Cause ordered submitted.
- A118077 RN Solution Inc., et al.,
v.
Catholic Healthcare West, et al.
Cause called and argued by Linda Inscoe counsel for appellant Catholic Healthcare West, Stephen D. Kaus, counsel for appellant Steven Robertson, and Nanci Nishimura, counsel for respondents. Cause ordered submitted.
Court adjourned at 11:43 a.m.

Friday, July 11, 2008(Continued)

Division Four

A118802 – The People, v. Ricky Paul Smith.

The judgment is affirmed. Ruvolo, P.J., We Concur: Reardon, J., Rivera, J. (Not for Publication.)

Monday, July 14, 2008

Division Three

A120112 – Kelly Hames, v. Citi Properties 1 DE , LLC, et. al.

The judgment is affirmed. Pollak, J., We Concur: McGuiness, P.J., Jenkins, J. (Not for Publication.)

A119214 – Kenneth Massa, v. Allen J. Ruskin.

The judgment is affirmed. Costs and attorney fees to be paid by Ruskin. (Cal. Rules of Court, rules 8.278(d)(2) & 3.1702.) Pollak, J., We Concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

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Tuesday, July 15, 2008

Division One

A116624 – The People, v. Anthony M. Rodriguez.

The judgment is affirmed. Marchiano, P.J., We Concur: Swager, J., Margulies, J.

A114258 – Jorge Fernandez et al., v. California Department of Pesticide regulation, California Strawberry Commission et al.

The judgment is affirmed. Stein, P.J., We Concur: Marchiano, P.J., Margulies, J. (Certified for Publication.)

Tuesday, July 15, 2008(Continued)

Division Three

A118379 – The People, v. Richard Burnham Batson.

By The Court: It is ordered that the opinion filed herein on June 23, 2008, be modified as follows: (See Order)

Appellant's petition for rehearing is denied. There is no change in the judgment. Pollak, J. Acting P.J. (Not for Publication.)

A119193 – The People, v. Luis Samuel Lopez.

The \$200 public defender fee imposed upon defendant is reversed, and in all other respects the judgment is affirmed. Siggins, J., We Concur: McGuiness, P.J., Jenkins, J. (Not for Publication.)

A120195 – Alfredo G. Gamad et al., v. Delia Soriben.

The attorney fee order is reversed insofar as it holds Soriben's attorney jointly and severally liable but is affirmed in all other respects. The parties are to bear their own costs on appeal. Pollak, J., We Concur: McGuiness, P.J., Jenkins, J. (Not for Publication.)

Division Four

A116360 – City of Oakland, v. Kenny D. Hassy, Richard Word.

By The Court: Appellant's petition for rehearing is denied. The opinion filed June 17, 2008, is modified as follows: (See Order). The above modification does not effect any change in the judgment. I.J. Ruvolo P.J. (Certified for Publication.)

Division Five

A115255 – The People, v. Richard Leon Loughmiller.

The judgment is affirmed. Simons, J., We Concur: Jones, P.J., Needham, J. (Not for Publication.)

Wednesday, July 16, 2008

Division One

Wednesday, July 16, 2008(Continued)

A117707 – In re Todd M. Ferguson.

By The Court: It is ordered that the opinion filed herein on June 18, 2008, be modified as follows: (See Order)

There is no change in the judgment. The petition for rehearing is denied. Marchiano, P.J. (Not for Publication.)

A118585 – Custom Alloy Scrap Sales, INC., v. Mauricio Baltrons et al.

The judgment of the trial court is reversed. Margulies, J., We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

Division Two

A119124 – Half Moon Bay Coastside Foundation et al., v. Peninsula Humane Society & SPCA.

The judgment is affirmed. Haerle, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

A118734 – The People, v. Nigel Ian Wilson.

The judgment of conviction is affirmed. The order for reimbursement of the cost of the public defender's fees is reversed and the case is remanded to the trial court for further proceedings on the issue of reimbursement of attorney fees. Lambden, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

Division Four

A117860 – The People, v. Cornelious Joseph Boyle.

The commitment order is affirmed. Reardon, Acting P.J., We Concur: Sepulveda, J., Rivera, J. (Certified for Partial Publication.)

Division Five

A115940 – The People, v. Levi Cole Garza.

Wednesday, July 16, 2008(Continued)

The judgment is affirmed. Needham, J., We Concur: Simons, Acting P.J., Reardon, J.*
(Not for Publication.)

A115362 – Graham Wiseman et al., Ikon Office Solutions, INC.

A115784 – Graham Wiseman et al., Ikon Office Solutions, INC.

The judgment is affirmed. Simons, J., We Concur: Jones, P.J., Stevens, J.*

A119518 – The People, v. Edwin Camas.

We find no error and affirm. Reardon, J.* We Concur: Jones, P.J., Needham, J. (Not for Publication.)

Thursday, July 17, 2008

Division Four

A116360 – City of Oakland, v. Kenny D. Hassey, Richard Word.

By The Court: The opinion filed June 17, 2008, and modified July 15, 2008, is further modified as follows: (See Order).

The above modification does not effect any change in the judgment. Ruvoilo, P.J. (Certified for Publication.)

Division Five

A118550 – The People, v. Marcus Garcia Castaneda.

The judgment is affirmed. Needham, J., We Concur: Jones, P.J., Reardon, J.*

* Retired Associate Justice of the Court of Appeal, First District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Retired Associate Justice of the Court of Appeal, First District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Retired Associate Justice of the Court of Appeal, First District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Friday, July 18, 2008

Division One

A117979 – Christine Beck et al., v. Huber, Hunt & Nichols of California, INC.

The judgment is reversed. Stein, J., We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

A117559 – The People, v. Gregory Chatten Stockman.

The orders revoking outpatient status and denying a hearing on the 2005 petition for restoration of sanity are affirmed. Marchiano, P.J., We Concur: Swager, J., Margulies, J. (Not for Publication.)

Division Three

A117515 – Robert L.Weis, In re, v. Kaiser Foundation Hospital.

By The Court: The petition for rehearing is denied. Pollak, J. Acting P.J.

A121209 – Morgan Miller Blair, v. The Superior Court of Contra Costa County, Concord Christian Center.

MMB shall recover its costs on appeal as the prevailing party. Jenkins, J., We Concur: McGuinness, P.J., Pollak, J. (Not for Publication.)

A119726 – In re Jordan S., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency, v. Brandi S.

The orders of the juvenile court are affirmed. Siggins, J., We Concur: Pollak, Acting P.J., Jenkins, J. (Not for Publication.)

Division Four

A118285 – The People, v. Danny Ray Jones.

The judgment, including the award of victim restitution, is affirmed. Ruvoilo, P.J., We Concur: Reardon, J., Rivera, J. (Not for Publication.)

Monday, July 21, 2008

Division Two

A118327 – Urban Habitat Program, et al., v. City of Pleasanton, et al.

By The Court: The opinion in the above-entitled matter filed on June 20, 2008, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered. Haerle, Acting P.J. (Certified for Publication.)

Division Three

A114111, A118706 – In re Inez Tito Lugo.

It held only that there is no requirement that a copy of the transcript be delivered to the inmate within the 30-day period. (*Ibid.*) Pollak, J. (Certified for Publication.)

Division Four

A117242 – The People, v. Christopher Warren Scarberry.

The judgment is affirmed. Reardon, J., We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

Tuesday, July 22, 2008

Division One

A119992 – The People, v. Jason Perez.

The judgment is affirmed. Margulies, J., We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

Division Three

A120360 – City and County of San Francisco, v. Thomas H. Lutge, Barbara Ackers-Hitta, Marin County Department of Child Support Services.

Tuesday, July 22, 2008(Continued)

The order is affirmed. Respondents Marin County Department of Child Support Services and Barbara Acker-Hitta are to recover their costs on appeal. Pollak, Acting P.J., We Concur: Siggins, J., Jenkins, J. (Not for Publication.)

Division Four

A119785 – Charles “Rocky” Martin, v. County of Marin.

The trial court’s order denying Martin’s petition for writ of mandate is affirmed. The County is awarded its costs on appeal. Ruvolo, P.J., We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A118916 – Nicholas Stamatakis et al., v. Steven Ho.

The judgment is affirmed. Reardon, J., We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, July 22, 2008

The Court convened at 9:30 a.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Ruvolo, P.J., and Rivera, J.; Channing Hoo, Deputy Clerk; CHP Officer Tammy Smith, Bailiff.

A116078 Arntz Builders
 v.
 City of Berkeley
Cause called. Each counsel confirmed waiving Justice Reardon's presence. W. Eric Blumhardt argued for appellant Builders. Eric Firstman argued for respondent. Submission deferred until July 28, 2008.

At this point, the court reconstituted itself to include Ruvolo, P.J., Sepulveda, J., and Rivera, J.

A118221 In re Shaquin F., a Minor.
 People
 v.
 Shaquin F.
Cause called. Sara Zimmerman argued for appellant Shaquin F. Christopher Grove argued for respondent. Cause submitted.

A117770 Citibank South Dakota
 v.
 Robert C. Walker
Cause called. Sam Walker argued for appellant Walker. Julia Strickland argued for respondent. Cause submitted.

Court recessed at 10:29 a.m.

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, July 22, 2008

The Court convened at 1:30 p.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Ruvolo, P.J. and Sepulveda, J.; Annie Reasoner, Deputy Clerk; CHP Officer Christian Oliver, Bailiff.

A116389 Michael Kreutzer
v.
City and County of San Francisco
Cause called. Each counsel confirmed waiving Justice Reardon's presence. Danny Chou, Deputy City Attorney, argued for appellant City and County of San Francisco. Michael Sorgen argued for respondent Kreutzer. Submission was deferred until July 28, 2008.

A120362 Estate of Mario Joseph Ciampi, Deceased
Carolyn S. Ciampi, as Administrator
v.
James Page, et al
Cause called. Each counsel confirmed waiving Justice Reardon's presence. John Colteaux argued for appellant Carolyn Ciampi. Michele Trausch argued for respondent Page. Lawrence Jannuzzi also appeared for respondent.

Court adjourned at 2:41 p.m.

Tuesday, July 22, 2008(Continued)

Division Five

A115177 – William J. Murphy, JR., v. Maureen Murphy, Individually and as Trustee, etc.

By The Court: It is ordered that the opinion filed herein on June 26, 2008, be modified as follows: (See Order). Simons, J. Acting P.J. (Certified for Publication.)

Wednesday, July 23, 2008

Division One

A119687 – The People, v. Matthew Paul Scheidt.

The order revoking defendant's outpatient status is affirmed. Marchiano, P.J., We Concur: Swager, J., Margulies, J. (Not for Publication.)

A120268 – In re M.W., a Person Coming Under the Juvenile Court Law. San Francisco Department of Human Resources, v. Andrea B.

The order terminating parental rights is affirmed. Marchiano, P.J., We Concur: Swager, J., Margulies, J. (Not for Publication.)

Division Two

A116856 – Peter V. Thompson et al., v. Toll Dublin, LLC, et al.

The trial court's order denying the motion to compel arbitration is affirmed. Costs on appeal are awarded to plaintiffs. Kline, P.J., We Concur: Haerle, J., Richman, J. (Not for Publication.)

Division Three

A119098 – The People, v. Charles Stevenson.

The judgment is affirmed. Pollak, J., We Concur: McGuinness, P.J., Siggins, J. (Not for Publication.)

Division Four

Wednesday, July 23, 2008(Continued)

A119427 – Edmund Owen et al., v. Susan Allen et al.

We reverse the order granting the preliminary injunction. Appellants are awarded costs on appeal. Ruvolo, P.J., We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A120824 – In re S.D., a Person Coming Under the Juvenile Court Law. The People, v. S.D.

The orders continuing the minor as a ward of the court and placing her under her mother's supervision are affirmed. Sepulveda, J., We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

A119514 – Paul H. Melbostad, v. Donald G. Fisher.

The appeal is dismissed. Appellant's request for judicial notice is denied as moot. Respondent shall recover his costs on appeal. Respondent is also entitled to recover reasonable attorney fees associated with defending the appeal. (Cal. Rules of Court, rule 3.1702(c); *Dove Audio, Inc. v. Rosenfeld, Meyer & Susman* (1996) 47 Cal.App.4th 777. 785 [appellate attorney fees recoverable under section 425.16].) Sepulveda, J., We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

Division Five

A116763 – The People, v. Evelyn L. Iokua.

The judgment is affirmed. Needham, J., We Concur: Jones, P.J., Simons, J. (Not for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, July 23, 2008

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: McGuiness, P.J., Siggins, J., and Jenkins, J.; and B. Robbins, Deputy Clerk.

A119304 The People,
 v.
 Caster Tucker, Jr.
Cause called and argued by Kari E. Hong, counsel for appellant, and Michael Banister, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Jenkins, J. left the bench and Pollak, J. joined the bench.

A117761 Delores Bernice Flenoy,
 v.
 Alameda County Medical Center.
Cause called and argued by John H. Scott, counsel for appellant, and Sadhana D. Narayan, counsel for respondent. Cause ordered submitted

At this point in the proceedings, Siggins, J. left the bench and Jenkins, J. returned to the bench.

A120238 Stephen Eyre Baldocchi,
 v.
 California State Department of Motor Vehicles.
Cause called and argued by Paul R. Burglin, counsel for appellant, and Mary Cain-Simon, counsel for respondent. Cause argued and submitted.

COURT ADJOURNED

Thursday, July 24, 2008

Division One

A115399 – Carla M. Clark et al., v. Optical Coating Laboratory, INC.

A115445 – Carla M. Clark et al., v. State of California et al., v. State of California et al., Charles D. Cochran.

A115474 – Carla M. Clark et al., v. State of California et al., Keith A. Robinson et al.

A116164, A116901 – Clara M. Clark et al., v. State of California.

The orders awarding sanctions pursuant to In Limine Order No. 1, and sections 128.7 and 1038, are reversed as is the judgment dismissing plaintiffs' claims against OCLI. The summary judgment and order awarding expert witness fees under section 998 in favor of the State are affirmed. The matter is remanded to the trial court for further proceedings consistent with the views expressed in this opinion. Each side shall bear its own costs on appeal. Margulies, J., We Concur: Stein, Acting P.J., Swager, J. (Certified for Publication.)

Division Two

A116536 – The People, v. Dominique Wright

The abstract of judgment shall be modified to impose the mid-term of four years for the conviction of robbery. In all other respects, the judgment is affirmed. Haerle, Acting P.J., We Concur: Lambden, J., Richman, J. (Not for Publication.)

Division Three

A118841 – The People, v. Della Rene Sadler.

The judgment is affirmed. Jenkins, J., We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

Division Five

A117967 – The People, v. Eugene Darrell Rutledge.

The judgment is affirmed. Jones, P.J., We Concur: Needham, J., Reardon, J. (Not for Publication.)

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

Thursday, July 24, 2008

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J., Simons, J., Needham, Jr., J., Reardon, J.,* and Eric F. Cyman, Deputy Clerk.

- A117817 Judi Pollace,
v.
Times-Standard,
Cause called and argued by Roger Myers, counsel for appellant, and by Russell Scott Gans, counsel for respondent. Cause ordered submitted.
- A118672 The People,
v.
Reynaldo Pedro Cuenca,
Cause called and argued by John Jordan, counsel for appellant, and by Christopher Wei, counsel for respondent. Cause ordered submitted.
- A118572 The People,
v.
Morris Lenois Facen,
Cause called and argued by Brian Kee Hong, counsel for appellant, and by Sharon Birenbaum, counsel for respondent. Cause ordered submitted.
- A116840 The People,
v.
Joseph Parsons.
Cause called and argued by Paul Richard Kleven, counsel for appellant, and by Karen Z. Bovarnick, counsel for respondent. Cause ordered submitted.
- A119024 Raj Naidu,
A119339 v.
A119947 California Public Utilities Commission,
Cause called and argued by Fidel Dizon Tigno, counsel for appellant, and by Richard M. Rogers, counsel for respondent. Cause ordered submitted.
- A114977 The People,
v.
Ernest Alfonso Reed.
Cause called and argued by Jenny Chi-Chin Huang, counsel for appellant, and by Lindsay B. Hoopes, counsel for respondent. Cause ordered submitted.

Court adjourned at 11:07 p.m.

*Judge from Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Friday, July 25, 2008

Division One

A114564 – The People, v. Willie Coleman, III.

By The Court: The petition for rehearing is denied. Stein, J. Acting P.J.

A118823 – Carol Grenall et al., as Administrators, etc., v. United of Omaha Life Insurance Company.

The judgment is affirmed with costs to United. Stein, J., We Concur: Marchiano, P.J., Swager, J. (Certified for Publication.)

A116712 – Golden Gate Water Ski Club, v. County of Contra Costa et al.

We conclude the Club has no protectable property right or interest in its development on Golden Isle. We therefore affirm the order denying the petition for administrative writ of mandate. We further conclude the Club's complaint states no basis upon which the Club might be entitled to any relief. The judgment dismissing the complaint is affirmed. Stein, J., We Concur: Marchiano, P.J., Margulies, J. (Certified for Publication.)

Division Two

A116798 – James Clayworth, et al., v. Pfizer, INC., et al.

The summary judgment for defendants is affirmed. Richman, J. We Concur: Kline, P.J., Haerle, J. (Certified for Publication.)

A115861 – The People, v. Michael Claude Wilen.

The order is affirmed. Richman, J., We Concur: Haerle, Acting P.J., Lambden, J. (Certified for Publication.)

Division Five

A118620 – The People, v. Abraham P. Gonzalez.

The judgment is reversed. On remand, the trial court shall obtain a supplemental probation report before resentencing Gonzales. Reardon, J.,* We Concur: Simons, Acting P.J., Needham, J. (Not for Publication.)

* Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Friday, July 25, 2008 (Continued)

A115103 – The People, v. Gary D. Ray.

The matter is remanded with directions to the trial court to set forth in writing its reasons for striking the prior strike allegation in accordance with section 1385, and to impose and then stay execution of the section 667.5, subdivision (b) enhancement. We further direct the trial court to prepare and amended abstract of judgment and forward a certified copy of the amended abstract to the California Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. Simons, J., We Concur: Jones, P.J., Reardon, J.* (Not for Publication.)

Monday, July 28, 2008

Division One

A119002 – The People, v. Kelly Michael Kilman.

The trial court is directed to amend the abstract of judgment to reflect 373 days of presentence custody credit, consisting of 325 days of actual custody credit and 48 days of conduct credit. The trial court shall forward a copy of the amended abstract of the judgment to the Department of Corrections. In all other respects, the judgment is affirmed. Swager, J., We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A117082 – The People, v. Andre Hawkins.

Accordingly, the judgment is affirmed. Swager, J., We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A121777 – Julie P., v. The Superior Court of Sonoma County, Sonoma County Human Services Department et al.

The petition for extraordinary writ is denied on the merits. The section 366.26 hearing is set for September 4, 2008. Therefore, this opinion is final as to this court immediately. (Cal. Rules of Court, rule 8.264(b)(3).) Marchiano, P.J., We Concur: Stein, J., Swager, J. (Not for Publication.)

A116728 – Brian Koponen et al. v. Pacific Gas & Electric Company.

The trial court erred in ruling that section 1759 deprived it of jurisdiction to consider all of plaintiffs' claims. Having found that some of those claims survive the bar of the section, we remand this matter to the superior court for further proceedings. Stein, Acting P.J., We Concur: Swager, J., Margulies, J. (Certified for Publication.)

* Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Monday, July 28, 2008(Continued)

Division Three

A118624 – The People, v. Adam Richard Henry.

The judgment is affirmed. Siggins, J., We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

A117480 – The People, v. Manuel Pequeno.

By The Court: The petition for rehearing is denied. McGuiness, P.J.

A120103 – The People, v. John Williams Marsic.

By The Court: The petition for rehearing is denied. McGuiness, P.J.

A120810 – The People, v. Laura Lona Glover.

The judgment is affirmed. Siggins, J., We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

Division Four

A112738 – The People, v. Neal Fiu.

The 10-year enhancement imposed on count 1 pursuant to section 186.22, subdivision (b)(1)(C), is ordered stricken and a minimum parole eligibility for 30 years shall be imposed on that count. The abstract of judgment shall be modified to reflect a sentence on count 1 of 30 years to life, with a minimum parole eligibility of 30 years, and the modified abstract shall be forwarded to the Department of Corrections. In all other respects, the judgment is affirmed. Sepulveda, J., We Concur: Ruvolo, P.J., Reardon, J. (Certified for Publication.)

A119127 – In re K.J. et al., Persons Coming Under the Juvenile Court Law. Contra Costa County Children and Family Service Bureau, v. Kenneth J.

The orders appealed from are affirmed. Ruvolo, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

Division Five

Monday, July 28, 2008(Continued)

A119217 – In re Savannah Z. et al., Persons Coming Under the Juvenile Court Law. Sonoma County Human Services Department, v. Santos Z.

The jurisdictional order is affirmed. The dispositional order is reversed and the case is remanded. The juvenile court is directed to hold a hearing to consider and make findings under section 361.2, subdivision (a) in writing or on the record.) Jones, P.J., We Concur: Simons, J., Needham, J. (Not for Publication.)

A119416 – The People, v. Juan Barrios.

Defendant is entitled to one additional day of custody credit. The matter is remanded with directions to the trial court to prepare an amended abstract of judgment and forward a certified copy of the amended abstract to the California Department of Corrections and Rehabilitation. In all other respects the judgment is affirmed. . Simons, J., We Concur: Jones, P.J., Reardon, J.* (Not for Publication.)

A120296 – The People, v. Edward C. Williams.

The order is affirmed. Simons, J., We Concur: Jones, P.J., Needham, J. (Not for Publication.)

A118614 – The People, v. Kevin Bruce Couturier.

The judgment is affirmed. Simons, J., We Concur: Jones, P.J., Reardon, J.* (Not for Publication.)

Tuesday, July 29, 2008

Division One

A118911 – Witt Home Ranch, INC., v. County of Sonoma.

The judgment of the trial court is affirmed. Margulies, J., We Concur: Marchiano, P.J., Swager, J. (Certified for Publication.)

* Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Tuesday, July 29, 2008(Continued)

Division Two

A119467 – New York Chocolate & Confections Company, v. Hausmann Alain Banet.

The order for terminating sanctions and the ensuing judgment are affirmed. Haerle, J., We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

A119187 – The People, v. Marcus Anthony Parker.

The judgment of conviction is affirmed. Haerle, Acting P.J., We Concur: Lambden, J., Richman, J. (Not for Publication.)

A120766 – The People, v. Jeffrey Kakar Butron.

The sentence imposed is authorized by law. Our independent review having found no arguable issues that require briefing, the judgment of conviction is affirmed. Richman, J., We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Three

A119857 – The People, v. Harold Issac Brown.

The judgment is modified to strike the requirement that appellant register as a sex offender. The matter is remanded to the trial court for further proceedings pursuant to section 290.006 in order to allow the trial court to exercise its discretion whether to require appellant to register as a sex offender. In all other respects, the judgment is affirmed. McGuiness, P.J., We Concur: Siggins, J., Jenkins, J. (Not for Publication.)

A121189 – The People, v. Misty Winter Majchrzak.

The judgment is affirmed. McGuiness, P.J., We Concur: Pollak, J., Siggins, J. (Not for Publication.)

Division Four

A120710 – The People, v. Edmund Don Bessard.

Tuesday, July 29, 2008(Continued)

The judgment is affirmed. Rivera, J., We Concur: Reardon, Acting P.J., Sepulveda, J.
(Not for Publication.)

A113501 – The People, v. Corey Alexander Mitchell.

A118946 – In re Corey Alexander Mitchell

Defendant's conviction for carjacking of Grossman (count 5) is dismissed. In all other respects, the judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment reflecting dismissal of count 5 and to forward a copy to the Department of Corrections and Rehabilitation. The petition for writ of habeas corpus is denied. Rivera, J., We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

A119092 – Robert L. Eddy, SR., v. Jeff Thongvanh et al.

The judgment is affirmed. Rivera, J., We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

A106199 – Californians for Disability Rights, v. Mervyn's LLC.

The judgment is reversed and the case is remanded to the trial court for further proceedings consistent with this opinion. Appellant CDR shall recover its costs on appeal upon timely application in the trial court. (Cal. Rules of Court, rule 8.278.) Sepulveda, J., We Concur: Ruvolo, P.J., Reardon, J. (Certified for Publication.)

A115254 – The People, v. Juo En Boo.

The judgment is reversed as to count 4 (misdemeanor sexual battery). In all other respects, the judgment is affirmed. Sepulveda, J., We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

Division Five

A116931 - The People, v. Silvia P. Romero.

The judgment is otherwise affirmed. Reardon, J.,* We Concur: Jones, P.J., Needham, J.
(Not for Publication.)

A116811 – The People, v. Jorge Enrique Ponce.

Tuesday, July 29, 2008(Continued)

* Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Our order of March 26, 2007, amending the notice of appeal is vacated. The appeal, as originally noticed, is dismissed. Reardon, J.,* We Concur: Jones, P.J., Needham, J. (Not for Publication.)

Wednesday, July 30, 2008

Division One

A119515 – The People, v. Manuel Vicente Sotelo.

Accordingly, the judgment is affirmed. Swager, J., We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A117512 – The People, v. Jabar Hickman.

Accordingly, the judgment is affirmed. Swager, J., We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A116929, A117835 – Zahra Hodayun et al., v. Portobello Residential Owners Association et al.

The orders on the anti-SLAPP and attorney fee motions are affirmed. Marchiano, P.J., We Concur: Swager, J., Margulies, J. (Not for Publication.)

A120782 – In re Willie R., a Person Coming Under the Juvenile Court Law. The People, v. Willie R.

The judgment is affirmed. Swager, J., We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A115069 – Mari-Lynne Earls, v. Elizabeth Lee et al.

By The Court: The Petition for rehearing is denied. Stein, J. Acting P.J.

A116929, A117835 – Zahra Hodayun et al., v. Portobello Residential Owners Association et al.

The orders on the anti-SLAPP and attorney fee motions are affirmed. Marchiano, P.J., We Concur: Swager, J., Margulies, J. (Not for Publication.)

* Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Wednesday, July 30, 2008(Continued)

Division Two

A116808 – The People, v. Susannah Merlina Comfort.

The judgment is affirmed. Kline, P.J., We Concur: Lambden, J., Richman, J. (Not for Publication.)

A118895 – In re Michael M., a Person Coming Under the Juvenile Court Law. The People, v. Michael M.

The juvenile court's July 24, 2007 finding regarding the battery allegation is affirmed. Richman, J., We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

A115550 – The People, v. Brian Lee Fowler.

The judgment is affirmed. Haerle, Acting P.J., We Concur: Lambden, J., Richman, J. (Not for Publication.)

A119215 – In re Noah S., a Person Coming Under the Juvenile Court Law. Solano County Department of Health and Social Services, v. S.B.

The judgment is affirmed. Lambden, J., We concur: Haerle, Acting P.J., Richman, J. (Not for Publication.)

A119155 – The People, v. Rigoberto Lara.

Accordingly, the judgment is affirmed. Lambden, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

Division Three

A118856 – The People, v. Rozell Simmons.

The judgment is modified to reflect an enhancement term on count two of three years and four months, pursuant to section 12022.53, subdivision (b). The trial court is directed to prepare an amended abstract of judgment showing this modification and to forward a copy to the California Department of Corrections. The judgment is otherwise affirmed. Siggins, J., We Concur: Pollak, Acting P.J., Jenkins, J. (Not for Publication.)

A117761 – Delores Flenoy, v. Alameda County Medical Center.

The judgment is affirmed. ACMC is to recover its costs on appeal. Pollak, J., We Concur: McGuinness, P.J., Siggins, J. (Not for Publication.)

Wednesday, July 30, 2008(Continued)

A119304 – The People, v. Caster Tucker, JR.

The judgment is affirmed. McGuiness, P.J., We Concur: Siggins, J., Jenkins, J. (Not for Publication.)

A120238 – Stephen Eyre Baldocchi, v. Department of Motor Vehicles.

The judgment denying the writ of mandate is affirmed. McGuiness, P.J., We Concur: Pollak, J., Jenkins, J. (Not for Publication.)

Division Four

A117124 – The People, v. Kevin Gregory Eddy.

The judgment, including the sentence, is affirmed. Reardon, Acting P.J., We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

Division Five

A120729 – The People, v. Humberto Eulalio Osorio-Blanco.

The judgment is affirmed. Jones, P.J., We Concur: Simons, J., Needham, J. (Not for Publication.)

Thursday, July 31, 2008

Division One

A120339 – The People, v. Stephen James Anderson.

The judgment of the trial court is affirmed. Margulies, J., We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

Division Three

A118762 – Fitzgerald Abbott & Beardsley LLP, v. Michelle Miller.

Thursday, July 31, 2008(Continued)

The trial court's judgment and award of attorney's fees and costs are affirmed. Costs on appeal are awarded to Fitzgerald. Jenkins, J., We Concur: Pollak, Acting P.J., Siggins, J. (Not for Publication.)

A117960 – Alexandra Skoumbas et al., v. City of Orinda.

The judgment is reversed. Siggins, J., We Concur: McGuinness, P.J., Pollak, J. (Certified for Publication.)

Division Four

A120249 – In re Tan D., a Person Coming Under the Juvenile Court Law. The People, v. Tan D.

The order of the juvenile court is affirmed. Ruvolo, P.J., We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A115068 – Tina O'Dell, v. International Asset Systems USA, LTD.

The portion of the judgment awarding costs to IAS is reversed. In all other respects, the judgment is affirmed. The parties shall bear their own costs on appeal. Rivera, J., We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

Division Five

A117817 – In re Establishment of THE EUREKA REPORTER as a Newspaper of General Circulation. Judi Pollace, v. Times-Standard.

The judgment establishing the Reporter as a newspaper of general circulation pursuant to section 6000 is reversed. The court is ordered to enter a new judgment denying Pollace's petition to ascertain the Reporter as a newspaper of general circulation. The Times-Standard is awarded its costs on appeal. Jones, P.J., We Concur: Needham, J., Reardon, J.,* (Certified for Publication.)

A118572 – The People, v. Morris Lenois Facen.

We conclude the court did not err in giving the supplemental instruction to the jury. The judgment is affirmed. Jones, P.J., We Concur: Needham, J., Reardon, J.,* (Not for Publication.)

* Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.